

REMARKS

The specification is objected to on the grounds that the amendment filed March 29, 2006, introduced new matter.

The drawings are objected to as incorporating new matter.

Claims 32 – 36 stand rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement.

Claims 32 – 36 stand rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the enablement requirement.

Claims 32 – 36 and 38 stand rejected under 35 U.S.C. § 112, second paragraph, as allegedly indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 32, 35 and 36 stand rejected under 35 U.S.C. § 102(b) as allegedly anticipated by Lo Vico (U.S. No. 3,052,895).

Claim 33 stands rejected under 35 U.S.C. § 103(a) as allegedly obvious over Lo Vico in view of either Wilkinson (U.S. 5,066,001) or Casey (U.S. 4,631,765).

Claim 34 stands rejected under 35 U.S.C. § 103(a) as allegedly obvious over Lo Vico in view of either Ruddy (U.S. 5,666,679) or Alonso (U.S. 5,491,851).

Claims 1-22 are deemed allowable if re-written or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph.

Applicants gratefully appreciate the Examiner's indication of allowable subject matter and further request reconsideration and allowance of the present application in view of the foregoing amendments which have addressed all the grounds for rejection or otherwise have rendered them moot.

Objections to the Specification and the Drawings

The specification is objected to on the grounds that the amendment filed March 29, 2006, introduced new matter as a result of drawing amendments which allegedly incorporated new matter.

According to the previous Office Action, the drawings were objected to under 37 C.F.R. §1.83(a) for failure to show details of the hinges constructed as set forth in claim 33 and claim

34. In response, Applicants submitted Figures 2A to 2C; Figures 2A to 2B showing the single hinge variant of the present invention and Figure 2C showing a seam/opening 409 and strap 410 device in accordance with claims 33 and 34.

The Examiner currently objects to the specification as a result of the drawings on the grounds that Figures 2A -2B show the changing area as a triangular section and Figure 2C show the strap and hole arrangement in a two hinge variant.

Applicants believe that one of skill in the art fully appreciates that the matters objected to by the Examiner come within the scope of the present invention. For instance, the strap and the hole arrangement is in no way limited to a “single hinge arrangement” and this limitation is not what is meant by “[A]s shown in Figure 2C, a finished hole 409 can be placed in adjacent sides of each area 1,3, 5, with a strap 410, ring, or other joining device linking each area to form a single hinge point.” In the above sentence from the specification, Applicants are simply saying that the different compartments which define different sides turn on or are now hinged on the strap or the ring or the joining device.” As the Examiner can appreciate, when the compartments turn on the strap, there would be no need to have any other hinging arrangement.

Nevertheless, in order to put this Application in condition of allowance, Applicants have modified Figure 2B to eliminate the allegedly objectionable triangular section and have also modified Figure 2C to illustrate the strap and hole arrangement with a “single hinge variant.” The Examiner is referred to paragraph 0037 where it was explicitly stated that different shapes of this apparatus are encompassed by the disclosure. As such, the amendment to Figure 2B should not be construed in anyway as limiting the scope of the invention. That being so, it is believed that there is no further basis for maintaining the objections to the specification and the drawings and it is respectfully asked that this objection be withdrawn.

Rejections under 35 U.S.C. § 112, first paragraph

Claims 32 – 36 stand rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement. Also, claims 32 – 36 stand rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the enablement requirement. The Examiner asserts that the “always clean” phrase in the prior amendment to claim 32 was not adequately described nor enabled by the specification as filed.

By “always clean” Applicant is definitely not asserting that said surface is free from contact with air particles and it is not believed that one of ordinary skill in the art would understand it to be so. By “always clean” Applicant is conveying the notion that the surface in question is free from dirt and contaminants that would otherwise make the apparatus undesirable to carry after use.

Applicants have amended claim 32 in order to avoid the alleged objectionable phrase and to more particularly claim the subject matter of claim 32. It is believed that the amendments have adequately addressed this ground for rejection and it is respectfully asked that it be withdrawn.

Rejections under 35 U.S.C. § 112, second paragraph

Claims 32 – 36 and 38 stand rejected under 35 U.S.C. § 112, second paragraph, as allegedly indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner asserts that it is unclear whether “shoulder straps and handles” are element of claims 32- 36. This ground for rejection is now rendered moot in view of the amendments to claim 32.

Also, claim 38 was rejected as appearing to be a double inclusion of an element insofar as claim 1 previously defines a first and second hinge point. In response, claim 38 has been amended to claim that the second and first hinge point of claim 1 are merged into a single hinge point in claim 38. This ground for rejection now obviated, it is respectfully asked that it be withdrawn.

Rejections under 35 U.S.C. § 102 (b)

Claims 32, 35 and 36 stand rejected under 35 U.S.C. § 102(b) as allegedly anticipated by Lo Vico (U.S. No. 3,052,895). The Examiner asserts that Lo Vico discloses a carrying apparatus including a plurality of compartments and at least one point about which the device pivots to form a carrying case. Applicants respectfully disagree that Lo Vico is a proper basis to assert a 35 U.S.C. § 102(b) rejection and now traverse as follows.

To anticipate a claim, a prior art reference must disclose every feature of a claimed invention either explicitly or inherently. *Hazani v. U.S. Int’l Trade Comm’n*. 126 F.3d 1473, 44 USPQ2d 1358 (Fed. Cir. 1997). Further, a dependent claim incorporates all the limitations of the

base claim implying that if the base claim is not anticipated, the dependent claim cannot also be anticipated.

Independent claim 32 has been amended to include the structural and functional limitation that the outside surfaces of the carrying case, including shoulder straps and handles are unsoiled in order to explicitly convey that the clean carry apparatus of this invention is very desirable to carry after use in an environment in which a portion of it can be soiled. As shown in Lo Vico, Figure 1, surface 15, when soiled after use will put dirt on the clean surfaces when folding the bag. In fact, Lo Vico, like other such folding mats or bags, the dirty surfaces that have been exposed to the ground, sand, mud and so on end up being the outer surfaces of the bags. The handles of Lo Vico are also in the sand or on the ground making it uncomfortable to carry after use. Succinctly put, there is no containment of the soiled or dirty surface after use in the case of Lo Vico.

Again, for the fact that Lo Vico does not teach or suggest, explicitly or inherently, all the claimed limitations of claims 32, as amended, and dependent claims 35 and 36, anticipation does not lie and it is respectfully requested that this ground for rejection be withdrawn.

Rejections under 35 U.S.C. § 103 (a)

Claim 33 stands rejected under 35 U.S.C. § 103(a) as allegedly obvious over Lo Vico in view of either Wilkinson (U.S. 5,066,001) or Casey (U.S. 4,631,765). The Examiner asserts that Lo Vico discloses all structure of the claimed case except a hinge joint comprising openings in each compartment and a joining device extending through each opening. The Examiner further asserts that the deficiency in Lo Vico is cured by either Wilkinson or Casey. Applicants disagree and now traverse as follows.

This ground for rejection is now moot in view of the amendment to independent claim 32 to include the structural and functional limitation that the outside surfaces of the carrying case, including shoulder straps and handles as unsoilable by being put to use. The combined arts of Lo Vico and Wilkinson or Lo Vico and Casey, do not teach, nor suggest, nor provide the motivation for, nor implicate, in any way, the likelihood that said combination will result in a carrying case wherein the outer surface of the carrying case is always unsoiled after use.

Since the combination which Examiner deems to be obvious fails to teach all the limitations of claim 33, it is considered moot at this point to question the combinability of the said combinations. Applicants respectfully ask that this ground for rejection be withdrawn.

Similarly, claim 34 stands rejected under 35 U.S.C. § 103(a) as allegedly obvious over Lo Vico in view of either Ruddy(U.S. 5,666,679) or Alonso (U.S. 5,491,851). The Examiner asserts that Lo Vico discloses all structures of the claimed case except a hinge joint comprising a sewn seam formed by a tab on each compartment. The Examiner further asserts that said deficiency is cured by either Ruddy or Alonso. Applicants disagree and now traverse as follows.

This ground for rejection is now moot in view of the amendment to independent claim 32 to include the structural and functional limitation that the outside surfaces of the carrying case, including shoulder straps and handles are unsoilable by use. The combined arts of Lo Vico and Ruddy or Lo Vico and Alonso, do not teach, nor suggest, nor provide the motivation for, nor implicate, in any way, the likelihood that said combination will result in a carrying case wherein the outer surface of the carrying case is always unsoiled after use.

Since the combination which Examiner deems to be obvious fails to teach all the limitations of claim 34, it is considered moot at this point to question the combinability of the said combinations. Applicants respectfully ask that this ground for rejection be withdrawn.

CONCLUSION

In view of the foregoing, Applicants earnestly solicit early notification of allowability from the Examiner. Should the Examiner have any questions or believe a personal or telephonic interview may be in order, he is invited to contact the undersigned at his earliest convenience.

Respectfully submitted,
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